

# **EXHIBIT G**

## **MINDGEEK DEFENDANTS' 30(b)(6) RESPONSE**

**From:** Mayer, Marc <marc.mayer@msk.com>  
**Sent:** Tuesday, August 15, 2023 6:58 PM  
**To:** Jeffrey Freeman  
**Cc:** Carter, J. Kenneth; 'Alan Belcher'; Goddard, Mark B.; 'hmetcalfe\_malawfirmsc.com'; 'Close, L. Grant III'; 'Cluverius, Jennifer S.'; Bowman, Theresa; 'vgurvits@bostonlawgroup.com'; 'frank@bostonlawgroup.com'; 'Jeffrey Freeman'; 'Shellie Fischer'; 'Cassy Young'; 'Joseph Rahimi'; 'evan@cfwlegal.com'; 'Thomas Barrow'; 'Wes Few'; 'Cooper Ellenberg'; Steinberg, David; 'J Edward Bell'; 'Tyler Thompson'; 'Liz Shepherd'; 'Dani Pinter'; 'Benjamin Bull'; 'Peter Gentala'; 'Christen Price'; 'Joshua Salley'; 'Kathy Kennedy'; 'John Hubert'; 'Casonya Ritchie'  
**Subject:** FW: Mindgeek / Hammy depositions; Does v Mindgeek et al  
**Attachments:** 8.15 letter regarding depositions(15708110.1).pdf

Jeffrey and Counsel for Jane Does 1-9 –

Attached please find a letter providing our feedback on the 24 topics you shared in your July 14 draft deposition notice. As you can understand, given the number and scope of the topics, it took some time for us to digest all of the proposed topics and identify potential witnesses for those topics.

As you will see, while we believe that many of the topics are overbroad, we are making a good faith effort to provide you with witnesses on the relevant issues. Based on our investigation, we expect that even for the more narrowed scope we propose in the attached, your topics will require 4-6 witnesses. None of these witnesses are in the United States, and thus they will need to travel internationally. We are conferring with our client and with the witnesses to identify dates on which they can be available for their testimony, and specifically have been working to find dates in September and October. Preliminarily, we can identify one such witness, Ibrahim Sabbagh, who we expect to testify regarding the following topics, as narrowed in our attached letter: 5, 17, 21 (technical aspects of this topic) and 22. At present, Mr. Sabbagh is not available from September 19th to October 9th, but is otherwise available during the months of September and October. We will provide you with proposed dates for the other witnesses as soon as we are able. We understand that the depositions will be conducted by videoconference, but let us know if that is not the case.

Given where we are on deposition scheduling – and that we understand that the plaintiffs will not make themselves available for deposition until after the deposition of MG Freesites – it is clear that we will need to revisit and amend the overall pre-trial schedule. Additionally, as you know, we are still waiting on confirmation from plaintiff's counsel that you will stipulate to our expert (Dr. Shelby). Given that there are 14 plaintiffs and 14 defendants, that the mental examinations will take a significant amount of time to complete, and that the plaintiffs' depositions still have not been taken, we believe that the trial schedule will need to move by 90 to 120 days in order to accommodate the parties' respective discovery needs. (Additionally, the amount of discovery may be impacted by the Court's ruling on the pending jurisdictional motions, which will decide whether six or seven defendants are part of the case.)

We trust that you will agree that the modification of the pre-trial schedule is appropriate and, if so, that we can present this request jointly to the Court at the status conference tomorrow. We are, of course, happy to discuss this with you prior to the hearing tomorrow.



MITCHELL SILBERBERG & KNUPP LLP  
A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

Marc E. Mayer  
A Professional Corporation  
(310) 312-3154 Phone  
(310) 231-8354 Fax  
mem@msk.com

August 15, 2023

**VIA E-MAIL ONLY (JEB@EDBELLAW.COM, JSALLEY@EDBELLAW.COM,  
JFREEMAN@KYTRIAL.COM, TTHOMPSON@KYTRIAL.COM, LSHEPHERD@KYTRIAL.COM,  
JSTANTON@KYTRIAL.COM)**

J. Edward Bell, Esq.  
Bell Legal Group  
219 North Ridge Street  
Georgetown, SC 29440

**Re: Notice of Deposition of MG Freesites Ltd**

Dear Counsel:

We are in receipt of Plaintiffs' July 14, 2023 (Draft) Notice of 30(b)(5) and 30(b)(6) Deposition to MG Freesites Ltd (the "Notice"). I write to discuss the substance of the draft Notice and to set forth our client's preliminary feedback and position concerning the scope of the deposition(s) with the aim that our comments may eliminate areas of dispute before you serve a final version.

Initially, we wish to note that the Draft Notice contains **24 separate topics** – a substantial increase over the 9 deposition topics within the current version of Plaintiffs' 30(b)(6) notice, served on October 21, 2021. Leaving aside the sheer number of topics (which we believe is excessive), many of the topics are overbroad, unduly burdensome, and seek information that is neither relevant nor proportional to the issues in this lawsuit, such as the company's "monetization structure," "algorithms," and "marketing tools." This is a straightforward lawsuit involving two discrete videos that were posted to the Pornhub website by a third party in 2019, and which remained on the website for a very short time. We do not believe that it is appropriate to seek far-reaching, burdensome discovery reaching back to 2012 on virtually every aspect of our client's business. Instead, as set forth below, we are willing to provide witnesses on topics that are relevant to this lawsuit.

The Notice also seeks information that is not appropriate for a deposition, such as "the names, contact information, and address" of numerous individuals. Certainly, you cannot expect a witness at a deposition to provide, from memory, address and contact information for dozens, if not hundreds, of current and former employees. MG Freesites will not provide such testimony.

Additionally, we note that many of the topics seek information about websites other than Pornhub.com or companies other than MG Freesites. We will be providing a witness for MG Freesites, and not for any other affiliated company. Additionally, since Plaintiffs do not claim that the videos at issue appeared on any website other than Pornhub.com, we do not believe that information concerning other websites, domains or "brands" is relevant in any manner.



J. Edward Bell, Esq.  
August 15, 2023  
Page 2

I will now address each of the nine topics set forth in your Notice:

**Topic 1:** Please be prepared to describe and discuss the corporate structure and relationship between MG Freesites, LTD and any and all affiliates, parents, subsidiaries, contractors, or agents, along with the primary ownership and / or board of directors of all such entities; to include the Mind Geek Corporate Organizational chart and descriptions of each division's role in the overall MindGeek umbrella. This includes, but is not limited to, the names, contact information, and addresses for all employees that maintain a leadership role within the organization at any time during the Relevant Time Period, and number of total employees for each MindGeek entity.

Objections and Response. This topic – and in particular “the corporate structure and relationship between MG Freesites, LTD and any and all affiliates, parents, subsidiaries, contractors, or agents, along with the primary ownership and / or board of directors of all such entities” – is overbroad. This topic also covers information that might relate to jurisdictional discovery Plaintiffs have only sought (but not yet been granted) leave to conduct. Moreover, the request that a corporate witness be prepared to “discuss and describe... the names, contact information, and addresses for all employees that maintain a leadership role” within MindGeek, let alone “all affiliates, parents, subsidiaries, contractors, or agents” of MindGeek, and the “number of total employees for each MindGeek entity” is highly burdensome, implicates the disclosure of private and protected information of multiple third parties, and is not proportional to the needs of this case. At minimum, this information is more appropriately sought through another form of discovery that is less burdensome.

Notwithstanding the foregoing objections, MG Freesites is prepared to offer a witness to testify concerning the overall corporate structure of the MindGeek companies and the relationship between and among MG Freesites, its parent company and the companies that provide services to MG Freesites. The witness also will provide information concerning the overall corporate structure and general leadership structure of the MindGeek group of companies. We will not have a witness memorize the names and addresses of every person who had a leadership role in the company or the number of employees for each MindGeek company.

**Topic 2:** Please be prepared to identify and discuss all websites, domains, and brands owned, operated, managed, or hosted by any MindGeek company, subsidiary, parent, contractor, or agents that were accessible by public internet connection during the Relevant Time Period.

Objections and Response. This topic is overbroad and unduly burdensome. As you know, Plaintiffs have not alleged that any relevant content was posted to any “websites, domains, [or] other brands” other than Pornhub.com. MG Freesites will provide a witness to confirm that the Pornhub.com website is operated and managed by MG Freesites.

**Topic 3:** Discuss organizational financial cash flow structure, including payments to content partners or providers, verified users, ad revenue tracking, revenue streams, ad sales, and membership payment processing for all MindGeek websites and domains active during the Relevant Time Period.



J. Edward Bell, Esq.  
August 15, 2023  
Page 3

**Objections and Response.** We fail to see how this topic is relevant to any of the issues in this lawsuit. There are no allegations in this case that content was uploaded to any “MindGeek websites or domains” other than Pornhub.com. Nor are there any allegations that the content at issue appeared on any site that involves membership payment processing. Additionally, payments to all “content partners or providers” and “verified users” over the course of an 11-year period (e.g., since 2012) would entail information regarding hundreds of millions of transactions, all of which would be clearly unrelated to any claim at issue in this litigation.

Notwithstanding the foregoing objections, MG Freesites will provide a witness to testify concerning any payments made specifically to the uploaders of the content at issue in this lawsuit. We will not provide a witness to testify about the entire “organizational cash flow structure” with respect to “all MindGeek websites and domains.”

**Topic 4:** Please identify and discuss, in detail, the content data storage and management utilized by MindGeek. This includes, but is not limited to, the names, contact information, and addresses of the individuals working within the department(s) that control content storage and management during the Relevant Time Period, whether or not they are still employed by MindGeek.

**Objections and Response:** We fail to see the relevance of this topic. There are no allegations in this case that Plaintiffs have claims arising out of, or were harmed by, “the content data storage and management utilized by MindGeek.”

Notwithstanding the foregoing objections, please explain to us why you believe that this topic is relevant, and we are happy to meet-and-confer with you. Otherwise, MG Freesites will not provide a witness on this topic.

**Topic 5:** Knowledge of the metrics of site traffic for all MindGeek websites and domains, including sever (sic) locations and archive data storage location and capacity, what user demographics are collected and monitored and where and how records of this information is stored.

**Objections and Response:** We do not see the relevance of this topic, including how site traffic generally or server and data storage information pertain to Plaintiff’s claims. We are particularly troubled by your request for information concerning metrics for “all MindGeek websites and domains,” since Plaintiffs have not alleged that any relevant content was posted to any website or domain other than Pornhub.com.

Notwithstanding the foregoing objections, MG Freesites will provide a witness to verify the documents we produced reflecting the number of views of the videos at issue and explain how those numbers were obtained. Please explain how any of the other requested information is relevant to this lawsuit.

**Topic 6:** For the Relevant Time Period, identify and discuss all systems and procedures through which content and potential content passes from the time of upload or other transmission to



J. Edward Bell, Esq.  
August 15, 2023  
Page 4

MindGeek until content is made available for viewing on any MindGeek website, including the identity of the department titles and persons responsible for management of these operations.

Objections and Response: We fail to see how upload “systems and procedures” could be relevant to this lawsuit, let alone information dating back to 2012. Again, we will not provide information concerning any other “MindGeek website” or the identities of all people involved in the back-end technology as there is no basis to tie these items to any of Plaintiffs’ claims or allegations in this case.

Notwithstanding the foregoing objections, MG Freesites will provide a witness to testify, generally, concerning moderation and related technical tools in 2019.

**Topic 7:** Please identify and discuss, in detail, the monitoring of “User Accounts” and/or the process of monitoring “User Accounts” during the Relevant Time Period. This includes, but is not limited to, the names, contact information, and addresses for all of the individuals working within the department that oversees “User Accounts” whether or not they are currently employed by MindGeek.

Objections and Response: We do not understand the meaning or relevance of this topic, including what is meant by “monitoring” or “overseeing” “User Accounts.”

Notwithstanding the foregoing objections, MG Freesites is prepared to discuss this topic with you to better understand what you are seeking and refers Plaintiffs to MG Freesites’ response to Topics 10 and 13.

**Topic 8:** For the Relevant Time Period, identify and describe all instances, programs, or agreements for content sharing or sales between any MindGeek affiliated websites, as well as between any MindGeek affiliated entities and any other unaffiliated individuals or entities.

Objections and Response: This topic is overbroad and unduly burdensome. MG Freesites will not provide a witness to testify on every one of the thousands of instances or agreements concerning content sharing or sales over an 11-year period (e.g., since 2012) – far less every instance or agreement with any of its affiliates.

Notwithstanding the foregoing objections, MG Freesites will provide a witness to testify generally about its ModelHub program as it existed in 2019.

**Topic 9:** Please identify all individuals or departments within the MindGeek organization or with whom MindGeek has contracted to provide support, assistance, services for analytics used in demographic marketing, search engine optimization and geolocation and explain MindGeek’s use of the information obtained through collection of that analytic information.

Objections and Response: This topic is overbroad, irrelevant and not proportionate to the needs of the case. It also is vague and ambiguous, including because we do not understand the phrase “analytics used in demographic marketing, search engine optimization and geolocation.”



J. Edward Bell, Esq.  
August 15, 2023  
Page 5

Notwithstanding the foregoing objections, we are prepared to discuss this topic with you, but at this time are not prepared to make a witness available on this topic.

**Topic 10:** Please identify and discuss, in detail, the content moderation protocol and procedure during the Relevant Time Period, to include number of employees within the content moderating department and what each of their roles were. This includes, but is not limited to, the names, contact information, and addresses of all current and previously employed moderators.

Objections and Response: We believe that testimony concerning content moderation for time periods not at issue in this lawsuit (e.g., as far back as 2012), as well as information regarding the number of employees within any given department, is overly broad, unduly burdensome and lack relevance to any claim or defense in this case. As explained above, we also do not believe it is practical nor appropriate to require a witness to memorize the names and addresses of all content moderators.

Notwithstanding the foregoing objections, MG Freesites will provide a witness to testify concerning the content moderation practices and procedures for Pornhub.com as they existed in 2019.

**Topic 11:** Please identify and discuss, in detail, the monetization structure and incentives offered to any user, including Pornhub.com users, in connection with the upload, advertisement, sale, or viewing of content. This includes, but is not limited to, the names, contact information, and address of the individuals who are tasked with making decisions regarding monetization.

Objections and Response: This topic is overbroad, irrelevant and disproportionate to the needs of the case.

Notwithstanding the foregoing objections, and as noted in response to Topic 8, MG Freesites will provide a witness to testify concerning the ModelHub program as it existed in 2019.

**Topic 12:** Please identify and discuss, in detail, the algorithms and methods used to improve search engine optimization (“SEO”), to curate content for users, and to increase views of content and advertisements on MindGeek sites, including Pornhub.com. This includes, but is not limited to, the names, contact information, and addresses of all the individuals responsible for developing, designing, and managing the algorithms utilized by MindGeek for such purposes.

Objections and Response: This topic is overbroad and seeks irrelevant and disproportionate information and testimony, including because Plaintiffs have not alleged that their claims have arisen out of, or that they were harmed by, search engine optimization. We do not understand how SEO algorithms and methods relate to this lawsuit.

Notwithstanding the foregoing objections, please explain to us why you believe this topic is relevant and we are happy to meet-and-confer with you. Otherwise, MG Freesites will not provide a witness on this topic.



J. Edward Bell, Esq.  
August 15, 2023  
Page 6

**Topic 13:** Discuss and describe the complete history, evolution and current state of all organizational processes used in monitoring or screening content uploaded to any MindGeek site during the Relevant Time Period to ensure that content was in compliance with all legal requirements or stated policies of MindGeek, and that any individuals depicted in content consented to the distribution.

Objections and Response: This topic is overbroad and seeks irrelevant and disproportionate information and testimony. The topic is also vague and ambiguous insofar as it refers to “organizational processes used in monitoring or screening content ....” As noted above, MG Freesites will provide a witness concerning content moderation practices and procedures for Pornhub.com in 2019, but not dating back to 2012. We will not provide a witness concerning the “complete history” of “all organizational process” for “any MindGeek site.”

**Topic 14:** Discuss and describe the complete history during the Relevant Time Period of all methods, policies, and practices by which content is or was “tagged”, categorized, titled or otherwise grouped or identified before it was made available to users.

Objections and Response: This topic is overbroad and seeks irrelevant and disproportionate information and testimony insofar as it seeks information going back to 2012 and after 2019. We believe it would impose an undue burden to ask a witness to “discuss and describe the complete history” of “all methods, policies, and practices.”

Notwithstanding the foregoing objections, MG Freesites will provide a witness concerning the process by which user-uploaded videos were tagged, titled, and categorized on Pornhub.com in 2019.

**Topic 15:** Discuss and describe all processes, policies, procedures, or methods employed during the Relevant Time Period for monitoring comments left by viewers.

Objections and Response: We do not understand the relevance of this topic and do not believe it is relevant, proportional, or within the scope of the issues of this case to provide a witness regarding monitoring of viewer comments, given there are no claims or allegations regarding any viewer comments in this case, or alleged harm suffered therefrom. We also again object that the “Relevant Time Period” for these topics is unduly burdensome, overly broad and seeks large amounts of irrelevant information and testimony.

**Topic 16:** Please identify and discuss, in detail, the operational staff employed at MG Freesites LTD, including roles, description of daily tasks, and the extent to which any staff work product is used by or performed for any other MindGeek related entity.

Objections and Response: As noted above, we do not believe it is relevant, proportional or within the scope of issues in this case to provide a witness to testify concerning other “MindGeek related” entities. We also believe it would be unreasonably burdensome to require a witness to identify and discuss in detail every person who provides services to MG Freesites and to describe each of their roles.



J. Edward Bell, Esq.  
August 15, 2023  
Page 7

Notwithstanding the foregoing objections, MG Freesites will provide a witness to testify, generally, concerning how MG Freesites operated Pornhub in 2019.

**Topic 17:** All methods, procedures by which a content provider, member or other individual can, or could at any time since 2012, upload or download content from any site or server owned or controlled by MindGeek.

Objections and Response: This topic is overbroad, seeks voluminous irrelevant information, and is not proportional to the needs of this case.

Notwithstanding the foregoing objections, MG Freesites will provide a witness to discuss the manner by which videos could be uploaded to or downloaded from the Pornhub website in 2019, when the videos at issue were uploaded, but not dating back to 2012.

**Topic 18:** Please identify and describe in detail all analytic data collected on users, members, subscribers, or other viewers of content offered on MindGeek sites, and all ways in which that data is obtained, stored and used.

Objections and Response: This topic is overbroad, ambiguous, seeks irrelevant and disproportional information and testimony, and implicates the disclosure of private and protected information of multiple third parties.

Notwithstanding the foregoing objections, please explain to us why you believe that this topic is relevant, and we are happy to meet-and-confer with you. Otherwise, MG Freesites will not provide a witness on this topic.

**Topic 19:** Please identify and discuss, in detail, the content curation process; including, but not limited to, the names, contact information, and addresses of all the employees responsible for content curation during the Relevant Time Period and all methods, including algorithms or other automated processes, intended to provide users with content tailored to individual preferences.

Objections and Response: We do not understand what is meant by the “content curation process.” If you are referring to content moderation, as noted, MG Freesites will provide a witness to testify, generally, about content moderation practices for Pornhub.com in 2019. As noted in response to Topic 14, MG Freesites will also provide a witness concerning the process by which user-uploaded videos were tagged, titled, and categorized on Pornhub.com in 2019.

**Topic 20:** Discuss and describe the history and evolution to present of any and all systems, policies, procedures, methods etc. for responding to complaints of illegal or non-consensual content or any request for "take-down" of specific content, as well as the metrics relating to "take down" requests and / or reports of illegal or non-consensual content from 2012 to present as well as MindGeek's response to such requests.

Objections and Response: This topic is overbroad and seeks information that is irrelevant and not proportionate to the needs of the case, including insofar as it concerns illegal content generally and not just non-consensual content and insofar as it concerns the period before and



J. Edward Bell, Esq.  
August 15, 2023  
Page 8

after 2019. Notwithstanding MG Freesites' objections, MG Freesites will provide a witness to testify concerning its takedown and complaint response policies relative to non-consensual content in 2019, not illegal content generally. MG Freesites will not provide a witness concerning "metrics" relating to take-down requests. MG Freesites will also not provide specific information concerning take-down requests other than regarding the specific identified videos in this case, nor testimony concerning take-down policies prior to 2019.

**Topic 21:** Discuss and describe the complete history of MindGeek's involvement, hosting, handling, communications (internal or external), disposition, or any other actions regarding the videos identified depicting any of the Plaintiffs in this action, including complaints and requests for removal of the videos.

Objections and Response: This request is overly broad and ambiguous, including because "MindGeek" is not a defined term and MG Freesites cannot and will not produce information or testimony regarding any other entity.

For the reasons explained above, MG Freesites will provide a witness only concerning the videos at issue in this lawsuit. MG Freesites will not provide any testimony concerning privileged communications.

**Topic 22:** Provide all information in MindGeek's possession relating to the PornHub verified user Lordfauger18, and any user identified as 'cwgistribution', along with any related accounts, including all user data, history, any payments made to, uploads made by, and any communications with these users, and the IP address of any computer accessing any MindGeek site under either user name.

Objections and Response: MG Freesites has already provided all of this information in response to Plaintiffs' written discovery requests. MG Freesites will provide a witness to authenticate the records that have been produced and to testify concerning MG Freesites' efforts to locate such information.

**Topic 23:** For the Relevant Time Period, provide all information related to the TrafficJunky platform relating to the sale of advertisements on MindGeek websites, including the policies related to the types of ads and/or vendors that are permitted, the search terms, keywords, or tags advertisers can associate their ads with, the pricing structure, and the employees responsible for managing this platform and establishing these policies

Objections and Response: We do not understand the relevance of this topic, and we fail to see how the TrafficJunky platform has anything to do with this lawsuit, let alone its relevance dating back to 2012, seven years before the relevant videos in this case were posted.

Notwithstanding the foregoing objections, please explain to us why you believe that this topic is relevant, and we are happy to meet-and-confer with you. Otherwise, MG Freesites will not provide a witness on this topic.



---

J. Edward Bell, Esq.  
August 15, 2023  
Page 9

**Topic 24:** Provide relevant information on the location of all offices and employees (or positions) within the MindGeek organizational structure which are involved in any of the subject matter areas described herein.

Objections and Response: We do not understand the relevance of this topic. As noted, MG Freesites will provide a witness to describe, generally, the corporate structure of MG Freesites.

\*\*\*

We are prepared to discuss these issues with you by telephone or video conference. If you would like to do so, please let us know.

Of course, all of our client's rights are reserved, including the right to serve written objections in response to the final, served version of your July 14 draft notice.

Sincerely,  
/s/

Marc E. Mayer  
A Professional Corporation of  
MITCHELL SILBERBERG & KNUPP LLP

MEM/szm